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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,979	01/25/2001	David A. Seaman	36287-00700	5241
27171	7590	02/16/2006	EXAMINER	
MILBANK, TWEED, HADLEY & MCCLOY 1 CHASE MANHATTAN PLAZA NEW YORK, NY 10005-1413			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 40,41 and 47-50 in the reply filed on 8/2/05 is acknowledged. Accordingly claims 1-39, 42-46 and 51-56 have been withdrawn from further consideration.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 40,41 and 47-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 recites "determining a price of an underlying security" at a first time. First there is no antecedent basis for the term "an underlying security" provided, i.e. no clear indication as to what the term "underlying security" refers is provided. Is the underlying security related to another security in a manner that a warrant or a derivative contract is related to a common stock of a corporation. Similarly no basis is provided for calculating a discount price of the underlying security. In the final analysis, the claimed invention is rendered vague and unclear for the foregoing reasons.

Appropriate corrections are required.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

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Jagdish N. Patel

(Primary Examiner, AU 3624)

10/19/2005